

**Assembly Joint Resolution**

**No. 27**

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**Introduced by Assembly Member Torrico**

September 11, 2009

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Assembly Joint Resolution No. 27—Relative to the Colombia-United States free trade agreement.

LEGISLATIVE COUNSEL'S DIGEST

AJR 27, as introduced, Torrico. Colombia-United States free trade agreement.

This measure would urge the United States Congress to oppose a free trade agreement between the United States and Colombia.

Fiscal committee: no.

1 WHEREAS, Violence against trade unionists persists to this  
2 day, with over 500 unionists murdered during the administration  
3 of current Colombian President Alvaro Uribe; and  
4 WHEREAS, The murder rate increased by 25 percent from 39  
5 murders in 2007 to 49 murders in 2008; and  
6 WHEREAS, Twenty-four trade unionists have been murdered  
7 so far in 2009; and  
8 WHEREAS, The continued murders and death threats have a  
9 chilling effect on union activity, as workers continue to have good  
10 reason to fear for their lives when they exercise their fundamental  
11 labor rights, especially the crucial rights to organize, bargain  
12 collectively, and strike; and  
13 WHEREAS, The Office of the Attorney General of Colombia  
14 has secured convictions in only about 5 percent of the over 2,700

1 cases of murder of trade unionists, and only following significant  
2 international pressure to do so; and

3 WHEREAS, In the vast majority of cases, the person convicted  
4 of the crime is not the originator of the crime, but rather carried  
5 out the order to kill and, in roughly 40 percent of the sentences,  
6 the person found responsible for the crime was either tried in  
7 absentia or is otherwise not in custody and thus potentially still at  
8 large; and

9 WHEREAS, The Office of the Attorney General of Columbia  
10 does not attempt to investigate all outstanding unsolved murder  
11 cases, but rather only the subset of cases that have been previously  
12 presented to the International Labor Organization and new murder  
13 cases from 2006 onward; and

14 WHEREAS, Impunity for these and other crimes persists and  
15 new crimes will likely continue to be committed with similar  
16 impunity because of a failure to fully investigate and prosecute  
17 those responsible for these crimes, and also widespread human  
18 rights violations; and

19 WHEREAS, A flawed paramilitary demobilization process has  
20 contributed to thousands of “demobilized” and never-demobilized  
21 paramilitaries, creating new and dangerous organizations; and

22 WHEREAS, Many of these groups, including the Aguilas Negras  
23 (Black Eagles), are associated with powerful local or regional  
24 economic and political interests and continue the violent legacy  
25 of the paramilitaries, including narcotics trafficking and targeted  
26 assassinations; and

27 WHEREAS, Defamatory remarks regarding trade unionists and  
28 human rights defenders in Colombia delegitimizes the important  
29 and valued work of human rights defenders, closes the necessary  
30 and justifiable space for them to exercise their internationally  
31 recognized right to free expression, and places individuals and  
32 entire organizations at the grave risk of physical retaliation from  
33 members of illegal armed groups; and

34 WHEREAS, According to a 2008 Human Rights Watch report,  
35 numerous politicians, including members of the Colombian  
36 Congress have come under criminal investigation for collaborating  
37 with paramilitaries—the groups responsible for the majority of  
38 crimes against trade unionists where the author of the crime is  
39 known; and

1 WHEREAS, According to Human Rights Watch, there is  
2 overwhelming evidence of broad, systematic, and illegal  
3 surveillance conducted by the Administrative Security Department  
4 (DAS), the national intelligence service of Colombia, against  
5 hundreds of members of human rights organizations, political  
6 opposition parties and unions, as well as Supreme Court justices,  
7 journalists, and even clergy; and

8 WHEREAS, The United Nations Special Rapporteur on  
9 Extrajudicial Executions, Phillip Alston, recently found that killings  
10 of innocent civilians by the armed forces have occurred throughout  
11 the country; and

12 WHEREAS, According to the International Labor Organization,  
13 the labor laws of Colombia fall short of minimum international  
14 labor standards; and

15 WHEREAS, The United States-Colombia Trade Promotion  
16 Agreement, a comprehensive free trade agreement between  
17 Colombia and the United States, was signed on November 22,  
18 2006, and is currently being reviewed by the Office of the United  
19 States Trade Representative; now, therefore, be it

20 *Resolved by the Assembly and the Senate of the State of*  
21 *California, jointly,* That the Legislature of the State of California  
22 strongly urges the United States Congress to oppose a free trade  
23 agreement between the United States and Colombia; and be it  
24 further

25 *Resolved,* That the Chief Clerk of the Assembly transmit copies  
26 of this resolution to each Senator and Representative from  
27 California in the Congress of the United States.